

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION

MALCOLM CALLOWAY, A Minor,  
By and Through His Mother and Next Friend,  
Dottie Calloway Jones

VS.

CIVIL ACTION NO. 4:07CV48-MPM-DAS

THE CITY OF LELAND, MS, ET AL.

**ORDER**

This matter is before the court on motion of the defendants to compel discovery (# 26). The plaintiff has not filed a response to the motion. With their motion, the defendants provide that on September 23, 2008, they propounded their first set of interrogatories and requests for production, and that despite numerous communications from defense counsel, the plaintiff has not responded to these requests. The plaintiff has also failed to abide by Local Rule 37.1(A) and signed the mandatory Good Faith Certificate. Because the deadline for discovery is fast approaching, and because the plaintiff has simply ignored discovery requests and the present motion, the court finds the motion to be well taken.

IT IS THEREFORE ORDERED that the defendants' motion to compel discovery (# 26) is hereby GRANTED. The plaintiff is hereby ordered to provide sufficient responses to the discovery requests detailed in the defendants' motion by January 13, 2009.

IT IS FURTHER ORDERED that pursuant to Rule 37(b)(2)(C), the plaintiff will pay to the defendants the reasonable expenses, including attorney's fees caused by his failure to comply with an order of the court and his failure to respond to the discovery propounded. The

defendants will provide to the court a detailed explanation of the costs, expenses, and fees incurred as a result of filing the present motions.

SO ORDERED, this the 6<sup>th</sup> day of January 2009.

/s/David A. Sanders  
U.S. MAGISTRATE JUDGE